

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

RECEIVED
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LEON COUNTY
ATTORNEY'S OFFICE

DATE: January 29, 2004
TO: Herbert W.A. Thiele, Esq., County Attorney
FROM: Alan Rosenzweig, Director, Office of Management and Budget
SUBJECT: Additional Funding for Water Quality Issues

In response to your memorandum of January 27, 2004, please find attached a budget amendment and resolution to include in your agenda item regarding litigation with the City of Cairo, GA. The budget amendment realigns \$250,000 from the County's Reserve for Contingent Liability account in the Risk Fund to the County Attorney's operating budget.

Based on your memorandum, my understanding is the \$250,000 is for the balance of the current fiscal year and additional funding may be required for next fiscal year as well. This request is in addition to the Board's recent approval to transfer \$400,000 from the Contingent Liability account for funding associated with the Total Maximum Daily Load ("TMDL") litigation. In your memorandum it is clear that the TMDL expenses will most likely not be isolated to the current year, but rather, may proceed for upwards of twelve years.

It is important for the Board to understand that these litigation expenses are not one time in nature and will require an on-going commitment of funding. The contingent liability account in the Risk Fund should not be considered a funding source for on-going expenditures. OMB will be recommending in the coming budget cycle that the necessary funding for these legal actions be paid from the City rebate portion of the Advanced Life Support (ALS) agreement. The first year rebate is estimated at approximately \$700,000.

Please advise if you require any additional information at this time.

AR/ar


cc: Parvez Alam, County Administrator
Tony Park, Director, Public Works
Traci Reed, Director, Human Resources and Risk Management

Encl: January 27, 2004 Memorandum from the County Attorney
Budget Resolution and Associated Amendment

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Alan Rosenzweig, Director, Office of Management & Budget

From: Herbert W.A. Thiele, Esq. 
County Attorney

Date: January 28, 2004

Subject: Additional Funding for Water Quality Issues

Pursuant to our recent conversations, this memorandum is to follow up on the need for additional and continuous funding for two of the Board Priority Projects for this fiscal year and future fiscal years. Specifically, these include the potential litigation with the City of Cairo and any other contributing point sources in the Ochlocknee River Clean Water Act violation case. It is the intent of the County Attorney's Office to bring this matter for final decision and direction from the Board at one of its regular meetings in February 2004. As part of the budget discussions last August and September, the Board and County Administration were notified of the need for the additional funding of \$250,000 for this fiscal year toward the Cairo litigation. We are at a point now where this additional funding is necessary to pay for certain consultants which have been already retained and are working on the project, as well as for attorney's fees and costs relative to the upcoming litigation.

In addition, as you know, the Board has made the Total Maximum Daily Load ("TMDL") allocations issue its number one project for this fiscal year. In the workshop materials distributed for the Workshop of January 13, 2004, the County Attorney's Office indicated that additional funding for this project for this fiscal year alone will be \$400,000. This \$400,000 will cover both the additional cost for consultant and outside counsel fees, plus the addition of two staff to the Public Works Engineering Services Division who would be dedicated to the TMDL allocation issues. While the \$400,000 is needed at the present time, it should be noted that this is only for the current fiscal year. We have already filed a Rule Challenge, which the Board ratified to challenge the Florida Department of Environmental Protection's (FDEP) Notice of Rulemaking to adopt the TMDL allocation for Upper Lake Lafayette. This matter has been sent to the Division of Administrative Hearings for a trial, but at the request of all parties (FDEP, the City of Tallahassee, and Leon County) the matter has been put into abeyance in an effort to attempt to amicably resolve the County's concerns over the proposed TMDL for Upper Lake Lafayette. However, should this negotiation prove unsuccessful, we will need significant assets in order to litigate this matter to conclusion (which could also include appeals to the First District Court of Appeal). Thus, given the nature of the scheduling of such trial and the preparation therefor, additional funding in fiscal year 2004-2005 on this will be necessary.

Memorandum to Alan Rosenzweig re: Additional Funding for Water Quality Issues
January 28, 2004
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Additionally, it should be noted that the TMDL allocation for Upper Lake Lafayette is only the first in a series of TMDL allocations that will be occurring throughout Leon County in the upcoming years (some have estimated that this process could take as long as 12 years). For example, federal TMDLs have been issued for Lake Jackson and Lake Munson tributaries, and these channels are currently the focus of the Blue Print 2000 Capital Cascades Trail design. Therefore, since the TMDL project is not a one-time event, County Administration and the Board of County Commissioners must consider designating an on-going source of funding to pay for the necessary staffing, outside consultants, scientific research, and outside counsel fees that will be necessary to address the TMDL allocations for the other basins within the Leon County jurisdiction.

Please advise if any additional information is necessary in order to accommodate the allocation of funds, and the transfer for budgeting purposes for this fiscal year.

HWAT:sl

DEPARTMENTAL BUDGET AMENDMENT REQUEST FORM

DATE: February 4, 2004

COUNTY ADMINISTRATOR:

AGENDA DATE: February 10, 2004Parvez Alam

AGENDA ITEM #: _____

MANAGEMENT & BUDGET DIRECTOR:

DEPARTMENT: ☐ Legislative Administrative
☐ Public Services
☐ Community Development
☐ Management Services-
☐ Public Works
☒ Other-OMB

Alan Rosenzweig

PROGRAM DIRECTOR: _____

GROUP DIRECTOR: _____

Account Number (Fund-Org-Object-Program)	Account Description	Increase Revenue <input checked="" type="checkbox"/>	Decrease Revenue <input type="checkbox"/>
		Decrease Appropriation <input checked="" type="checkbox"/>	Increase Appropriation <input checked="" type="checkbox"/>
501-990-59926-599 501-950-591001-581	Reserve for Future Liability Transfer Out to General Fund	250,000	250,000
001-950-381501-000 001-120-53100-514	Transfer In from the Risk Fund Professional Services	250,000	250,000
	Total	500,000	500,000

Explanation: Transfer of contingent liability funding in support of Cairo, GA litigation.

Approved By: ☒ Board of County Commissioners ☒ Resolution
☐ County Administrator (Routine) ☐ Motion

B-043

RESOLUTION NO. _____

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2004; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of February, 2004.

Leon County, Florida

by: _____
Jane G. Sauls, Chairman
Board of County Commissioners

Attest: Bob Inzer, Clerk of the Court
Leon County, Florida

by: _____

Approved as to Form:
Leon County Attorney's Office

by: _____
Herbert W. A. Thiele, Esq.
County Attorney